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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/970,588	10/04/2001	Aleck H. Che-Mponda	83542SLP	1188

7590 09/17/2004

Patent Legal Staff
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EXAMINER

AKERS, GEOFFREY R

ART UNIT PAPER NUMBER

3625

DATE MAILED: 09/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/970,588

Applicant(s)

CHE-MPONDA ET AL.

Examiner

Geoffrey Akers

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NW

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This action is issued in reply to applicant's Amendment filed 7/10/04.
2. Claim 24 was amended. No claims were added. None were deleted.
3. Claims 1-29 are pending.

Claim Rejections - 35 USC § 103

4. Claims 1-29 are rejected under 35 USC 103(a) as unpatentable over Baum(US2002/0065741).The rejections as cited in the last Non Final Office Action are maintained in view of obviousness.

.....

5. Baum discloses a method and system of ordering a digital image over a communication network.(See paragraph 14) comprising the steps of at a first image system viewing and selecting at least one digital image(Fig 5) and selecting a digital image service(printing) to be ordered and generating an image order request comprised of at least one digital image and order formation which is bundled into a single data file(see paragraph 14) and selecting a second image system remote from the first image system for providing the digital image system(see paragraph 16) and transmitting the image order request over the internet from the first image to the second image system(see paragraph 16) at the second image system accessing the at least one digital image and the order information from the image order request(see paragraph 16) and providing the requested digital image service through a common interface.

In regards to claims 2 and 18 the requested digital image service comprises incorporating at least one digital image into an imaging product and the imaging product is a hardcopy image print of the at least one digital image a digital media containing at least one digital image and a product that uses the digital image for an end product. And a software product comprising the digital image(paragraph 18).

In regards to claims 3,20 the first and second image system is at least one of an image capture device, an imaging kiosk, a personal computer, an imaging application station, an image archive, an imaging display system, a digital order fulfillment lab, and a preview and select station(paragraph 35).

In regards to claim 4, the order information comprises user information, vendor information, product information source image details print conditional information(paragraph 17).

In regards to claims 5,6 Baum discloses the optional step of transmitting a digital image from the second image system to a third image system prior to printing (the third image system(where the order is divided into sub orders sent to differing recipients.Furthermore as disclosed the process may be performed by a single system or by a different system.

In regard to claim 7 the requested digital image service comprises producing an edited digital image and the method further comprises the step of selecting the digital image service to be ordered for the edited digital image and generating the image order request without having to resend a digital image in the image order request(paragraph

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19). Additionally, once the user discloses in Baum uploads the digital image there is no need to resend a digital image.

In regard to claim 8, Baum's first system is a client and the second image system is a server.

In regard to claims 9-12 Baum discloses communication of information from the first image system to the second and back to the first image system(paragraph 17).

In regard to claims 13,21 Baum discloses a digital image file wherein said digital image file is necessarily created by at least one of a digital camera, a video camcorder, scanner, fax machine.

In regards to claim 14, 22 the imaging display station is at least a television or projection screen(Fig 5).

In regard to claim 19 Baum discloses transmission of digital images.

In regard to claim 25 Baum discloses employing a request/response model in a simple object access protocol layer using XML over Hypertext Transport Protocol(Fig 5 web address line).

Response to Arguments

6. Baum discloses elements 320,330,340,350 in Figure 3A which contain multiple direct communication interfaces. It would be obvious that all the separate interfaces disclosed in Baum could be combined or bundled into a single interface as in a serial transmission.

Conclusion

7. **THIS ACTION IS MADE FINAL.**

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Questions regarding this communication may be addressed to the primary examiner, Dr. Geoffrey Akers, P.E., who can be contacted at (703)-306-5844 between the hours of 6:30 AM and 5:00 PM Monday through Friday. If attempts to reach the primary examiner are unsuccessful, the examiner's supervisor, Mr. Vincent Millin, may be telephoned at (703)-308-1065.

September 15, 2004



DR. GEOFFREY R. AKERS, P.E.
PRIMARY EXAMINER